

MINUTES OF MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
APRIL 27, 2016

The Southeast Cass Water Resource District met on April 27, 2016, at 8:30 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug, Chairman; Dan Jacobson, Manager; Lance Yohe, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Brenda Lovgren, Administrative Assistant; Sean Fredricks, Attorney for the Board; Chad Engels, Kurt Lysne and Lyndon Pease, Engineers for the Board; Brady Woodard, Moore Engineering, Inc.; Tom Soucy, Cass County Highway Department; Bryce Peterson and Dean Wills, Wanzek Construction, Inc.; Larry Nygard, Roers Construction; and Jessica Mahoney, NDSU Department of Biological Sciences.

Approval of agenda

It was moved by Manager Jacobson, seconded by Manager Yohe and unanimously carried to approve the order of the agenda, as presented.

Minutes

It was moved by Manager Yohe, seconded by Manager Jacobson and unanimously carried to approve the minutes of the March 23, 2016, meeting.

Sheyenne-Maple Flood Control District #1 - Cass County Highway 17 Grading and Surfacing Project – ditch cleaning along the north side of the north tieback levee

It was moved by Manager Jacobson and seconded by Manager Yohe to grant permission to the Cass County Highway Department to access Sheyenne-Maple Flood Control District #1 right of way to clean the ditch along the north side of the north tieback levee in conjunction with the Cass County Highway 17 Grading and Surfacing Project. Upon roll call vote, the motion carried unanimously.

Sheyenne-Maple Flood Control District #1 - West Fargo Sewer, Water and Storm Improvement District No. 1289 Phase 2 and West Fargo Street Improvement District No. 2240 - 8th Avenue NW and 26th Street NW along the south side of the north tieback levee, west of Cass County Highway 19

West Fargo Sewer, Water and Storm Improvement District No. 1289 Phase 2 is a proposed project that will widen the top of the Sheyenne-Maple Flood Control District #1 interior levee, south of the West Fargo lagoons, and install storm sewer forcemains

through the top of the levee. West Fargo Street Improvement District No. 2240, (also referred to as Phase 3) will involve installing 8-inch thick concrete pavement that is 32' wide on the top of the levee that will be widened in Phase 2.

It was moved by Manager Yohe and seconded by Manager Jacobson to approve the concept of West Fargo Sewer, Water and Storm Improvement District No. 1289 Phase 2 and West Fargo Street Improvement District No. 2240 on 8th Avenue NW and 26th Street NW along the south side of the Sheyenne-Maple Flood Control District #1 north tieback levee, west of Cass County Highway 19, and to consider formal approval upon approval by the Corps of Engineers. Upon roll call vote, the motion carried unanimously.

Sheyenne-Maple Flood Control District #2 – West Fargo Improvement District No. 1291 at 21st Avenue West and West Fargo Improvement District No. 2239 Phase I at 32nd Avenue West and Phase II at 40th Avenue West

Mr. Lysne updated the Board on the progress of West Fargo Improvement District No. 1291 at 21st Avenue West and West Fargo Improvement District No. 2239 Phase I at 32nd Avenue West and Phase II at 40th Avenue West.

2015 Drain #3 and #10 Channel Improvements Project

Representatives from Wanzek Construction, Inc. were present to discuss the concerns they have about the amount of work completed regarding the 2015 Drain #3 and #10 Channel Improvements Project. Lyndon Pease pointed out that they confirm the construction completed meets the minimum cross-section, as opposed to determining the amount of excavation completed. He presented a proposal for drain as-built survey and drain earthwork quantity calculation. If the Board would like to pursue this in an effort to reconcile the quantities to resolve the matter, the work could be completed in approximately 2 weeks.

It was moved by Manager Jacobson and seconded by Manager Yohe to approve *Contractor's Application for Payment No. 7* for Wanzek Construction, Inc. in the amount of \$68,571.80 regarding the 2015 Drain #3 and #10 Channel Improvements Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Yohe to amend the previous motion to read as follows: to approve *Contractor's Application for Payment No. 7* for Wanzek Construction, Inc. in the amount of \$68,571.80, which includes withholding \$120,000 for liquidated damages, regarding the 2015 Drain #3 and #10 Channel Improvements Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Yohe to amend the previous amended motion to read as follows: to approve *Contractor's Application for Payment No. 7* for Wanzek Construction, Inc. in the amount of \$38,571.80, which includes withholding \$150,000 for liquidated damages, regarding the 2015 Drain #3 and #10 Channel Improvements Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Yohe and seconded by Manager Jacobson to authorize Moore Engineering, Inc. to proceed with the Drain As-Built Survey and Drain Earthwork Quantity Calculation regarding the 2015 Drain #3 and #10 Channel Improvements Project, at a cost not to exceed \$8,930. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Yohe to authorize Ohnstad Twichell, P.C. to finalize liquidated damages and issue the *Final Claim* on behalf of the Southeast Cass Water Resource District to preserve its right to assess liquidated damages against Wanzek Construction, Inc. for failure to meet the substantial completion deadline regarding the 2015 Drain #3 and #10 Channel Improvements Project. Upon roll call vote, the motion carried unanimously.

Drain #3 - Proposed Roers Construction Project east of University Drive

Larry Nygard reported project planning continues on the proposed Roers Construction Project east of University Drive, adjacent to Drain #3. Modifications will be made to the *Drain Improvement Agreement* between the Southeast Cass Water Resource District and Roers Development, Inc. to reflect Roers granting an easement over the 175' setback area, as opposed to fee ownership. The matter will be discussed further at the next meeting.

Drain #3 - slides along Air National Guard property

It was moved by Manager Jacobson and seconded by Manager Yohe to authorize Moore Engineering, Inc. to prepare a cost estimate regarding repairs on Drain #3, along Air National Guard property. Upon roll call vote, the motion carried unanimously.

Drain #3 - request to access drain right of way for a research project on black birds

It was moved by Manager Yohe and seconded by Manager Jacobson to authorize access to Drain #3 right of way near NDSU to Jessica Mahoney, NDSU Biological Sciences, for a research project on black birds. Upon roll call vote, the motion carried unanimously.

Rose Creek Golf Course Flood Risk Management Project

The Board authorized the Secretary-Treasurer to submit comment regarding the Rose Creek Golf Course Flood Risk Management Project, with input from the Water Resource District Engineer.

Drain #40 – request from Xcel Energy to do survey work north of 12th Avenue North and at 19th Avenue North regarding the proposed transmission line between the existing Maple River Substation in Reed Township and Xcel Energy's Red River Substation located northeast of 3rd Avenue North and 18th Street North in Fargo

It was moved by Manager Jacobson and seconded by Manager Yohe to approve the request from Xcel Energy for access to Drain #40 right of way, limited to foot access, to conduct ground survey work north of 12th Avenue North and at 19th Avenue North regarding the proposed transmission line between the existing Maple River Substation in Reed Township and Xcel Energy's Red River Substation located northeast of 3rd Avenue North and 18th Street North in Fargo. Upon roll call vote, the motion carried unanimously.

Raymond-Mapleton Township Improvement District No. 76

Additional minutes are attached hereto regarding Raymond-Mapleton Township Improvement District No. 76.

Items for review and comment, with input provided by the Water Resource District Engineer

It was moved by Manager Jacobson and seconded by Manager Yohe to approve and authorize the Secretary-Treasurer to submit comment on the following, with input from the Water Resource District Engineer:

- *Utility Permits* for Midco to install duct and fiber optic cable as follows:
 - Under Drain #3 on the north side of 1st Avenue North
 - Under Drain #3 on the north side of 2nd Avenue North
 - Under Drain #3 on the south side of 7th Avenue North
 - Under Drain #3 on the north side of 9th Avenue North
 - Under Drain #10 on the north side of 1st Avenue North
- Correspondence from Fargo Engineering Department regarding Water Main Replacement, Force Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-16-C
- Correspondence from Moore Engineering, Inc. soliciting views and comments regarding roadway improvements on 9th Street East and 13th Avenue East in West Fargo
- Correspondence from Fargo Department of Planning and Development regarding the May preliminary packet
- Correspondence from West Fargo Planning
 - Brooks Harbor 8th Addition
 - Eaglewood 5th Addition
 - Nelson Acres 1st Addition
 - Planned Unit Development at 1265 East Main Avenue (Lot 2, Block 1, Gellers 2nd Addition)
 - Planned Unit Development at 805 and 815 Beaton Drive East (Lots 1 and 2, Block 1, Charleswood 30th Addition)
 - River's Bend at the Preserve 3rd
- Letter from the North Dakota Department of Transportation soliciting views and comments regarding the proposed roadway improvement project on US 81 / 10th Street North, from 4th Avenue North to 12th Avenue North.

Upon roll call vote, the motion carried unanimously.

Weed, cattail, tree and brush control

It was moved by Manager Yohe and seconded by Manager Jacobson to approve the Cass County Weed Control Work Order form for spraying Southeast Cass Water Resource District facilities. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Yohe to hire Dakota Helicopters, Inc. to provide aerial and ground spraying services for weed, cattail, tree and brush control on Southeast Cass Water Resource District facilities for 2016. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Yohe and seconded by Manager Jacobson to approve payment of Checks #12658 through #12673, the debit card transfers, and electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Jacobson and Yohe. The Chairman declared the motion passed.

Sheyenne-Maple Flood Control District #2 – Access Agreement with Moorhead Public Service

It was moved by Manager Jacobson and seconded by Manager Yohe to approve the *Access Agreement* with Moorhead Public Service regarding relocation of the transmission line that crosses Sheyenne-Maple Flood Control District #2, just north of 32nd Avenue South. Upon roll call vote, the motion carried unanimously.

Highland Meadows First Addition

Mr. Lysne reviewed the plat of Highland Meadows First Addition located at the intersection of Sheyenne-Maple Flood Control District #1 and #2. The Board had no objections or concerns regarding the plat. The matter will be discussed further at the next meeting.

Adjournment

There being no further business for the Board to consider, it was moved by Manager Yohe, seconded by Manager Jacobson and unanimously carried to adjourn the meeting.

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer